

Section 2

Program Management

Implementation of an area-wide MS4 Permit requires that the permittees work cooperatively. Therefore, the permittees have established an institutional framework and procedures to manage the stormwater program. This section describes the program structure and the decision-making process.

2.1 Implementation Agreement

The permittees operate under an Implementation Agreement (Agreement), which provides a framework for cooperative implementation of the MS4 Permit. The Agreement was first established in 1992, amended in 1995, and substantively revised in 2006. A final Agreement was adopted and approved by the permittees in 2007.

The Principal Permittee and the Co-Permittees share the costs for the area-wide program. Each permittee provides funding for the stormwater program within its respective jurisdiction and contributes to the area-wide program. The Agreement establishes a cost-share formula that determines individual permittee contributions to the area-wide program. In addition the Agreement also specifies the responsibilities of the Principal Permittee and Co-Permittees and identifies how the permittees will work together cooperatively within the Management Committee to implement Stormwater Management Program elements.

2.2 Management Committee

The Management Committee is the primary decision-making body for the Stormwater Management Program, and serves as the vehicle for managing the overall stormwater management effort across all jurisdictions. The Management Committee is made up authorized representatives of the Principal Permittee and each Co-Permittee. The Principal Permittee chairs the Management Committee and takes the lead role in initiating and developing area-wide program activities necessary to comply with the MS4 Permit. Management Committee decisions require a majority vote of the representatives on a one-vote-per-permittee basis for approval. The Management Committee meets once per month for 11 months each year (no meeting occurs during December).

Each permittee has designated a lead agency that will provide at least one authorized representative to the Management Committee (Table 2-1). Any change in the authorized representative to the Management Committee is made in writing and becomes effective upon filing with the Principal Permittee. An alternate representative may be designated to serve in the absence of the primary representative via written notification.

Table 2-1 Summary of Area-Wide MS4 Permit Participants		
Jurisdiction	Status	Lead Agency or Department
San Bernardino County Flood Control District	Principal Permittee	Public Works/Environmental Management Division
County of San Bernardino	Co-Permittee	Public Works/ Environmental Management Division
City of Big Bear Lake	Co-Permittee	Public Works/Engineering
City of Chino	Co-Permittee	Public Works/Engineering Division
City of Chino Hills	Co-Permittee	Community Development
City of Colton	Co-Permittee	Public Utilities
City of Fontana	Co-Permittee	Public Works
City of Grand Terrace	Co-Permittee	Community Services
City of Highland	Co-Permittee	Public Works/Engineering
City of Loma Linda	Co-Permittee	Public Works
City of Montclair	Co-Permittee	Public Works
City of Ontario	Co-Permittee	Engineering
City of Rancho Cucamonga	Co-Permittee	Engineering
City of Redlands	Co-Permittee	Public Works
City of Rialto	Co-Permittee	Public Works
City of San Bernardino	Co-Permittee	Development Services
City of Upland	Co-Permittee	Public Works
City of Yucaipa	Co-Permittee	Public Works

2.2.1 Management Committee Responsibilities

The Management Committee provides guidance to the Principal Permittee with respect to program administration and approves elements of the area-wide Stormwater Management Program. The Management Committee has the authority to:

- Guide the Principal Permittee in:
 - Preparing and implementing an annual Management Committee budget;
 - Filing applications for MS4 Permits as permittees;
 - Developing and implementing a local and area-wide integrated Stormwater Management Program, including special studies required by the MS4 Permit;
 - Filing compliance reports and annual reports with the RWQCB;
 - Establishing performance criteria for management programs;
 - Establishing uniform progress reporting formats;
 - Monitoring the implementation and effectiveness of area-wide Best Management Practice (BMPs); and,

- Performing stormwater quality and hydrographic monitoring for MS4 Permit compliance.
- Approve area-wide management program elements, including development and implementation of:
 - Annual area-wide operating budgets;
 - Recommended modifications to the MSWMP; and
 - Area-wide BMP programs.

2.2.2 Management Committee Subcommittees

While the overall responsibility for stormwater program development and implementation lies with the Management Committee, subcommittees provide an efficient mechanism for managing the development and implementation of program elements. Permittees may choose which subcommittees they wish to participate on; however, permittees with expertise directly related to a subcommittee's purpose are encouraged to participate. Subcommittees report their findings and recommendations to the Management Committee for approval and adoption. Currently, the Management Committee has six active subcommittees:

- Public Education
- Monitoring
- Development
- Fiscal
- Training
- MS4 Database

During the next permit term the Management Committee will establish subcommittees to address the following recommendations in the ROWD: (1) establish a mechanism to monitor grant programs for funding opportunities that could benefit the MS4 program; (2) explore regional treatment alternatives, including evaluation of regulatory and planning barriers and potential solutions to barriers identified; and (3) to explore opportunities for regional coordination, and, where feasible, develop and implement the mechanism(s) for implementing stormwater program elements across interested jurisdictions.

2.2.3 Management Committee Authority

The Management Committee does not assume any responsibility for implementing the Stormwater Management Program for individual permittees or for ensuring that individual permittees implement programs consistent with the recommendations of the Management Committee. This responsibility remains with each individual permittee.

As noted above, the Principal Permittee, with guidance from the Management Committee, is responsible for annual reporting of permit compliance to the RWQCB. If an individual permittee fails to implement program elements or report program progress, it will be reflected in the compliance reports to the RWQCB.

2.2.4 Program Funding

Funding to implement the MS4 Permit program is comprised of two parts: (1) local permittee program funding, which supports program implementation within each permittee's jurisdiction; and (2) area-wide program funding, which supports the implementation of Management Committee activities.

2.2.4.1 Permittee Program Funding

The permittees are committed to funding, to the extent practicable, their local Stormwater Management Program for the duration of the permit. To this end, each permittee prepares an annual budget and informs its governing board about program activities and funding requirements that are necessary to comply with MS4 Permit requirements and implement program activities within the local jurisdiction. However, it is the decision of the governing body within each permittee's jurisdiction that determines final individual annual program funding.

2.2.4.2 Area-Wide Program Funding

The area-wide program is funded by contributions from all permittees according to the cost-share methodology established in the Implementation Agreement. The Principal Permittee prepares an annual budget and presents this budget to the Management Committee for approval. Under the new MS4 Permit, the annual budget will be divided into four program areas:

- **Monitoring** – Includes any sample collection and laboratory analyses regardless of purpose, for example, includes both routine monitoring and additional monitoring conducted to implement a Total Maximum Daily Load (TMDL).
- **Public Education** – Provides funding for all public outreach programs.
- **Program Management & Regulatory Activities** - Includes activities such as annual report preparation, California Stormwater Quality Association (CASQA) membership, program administration, ROWD development, participation in the TMDL development process, and participation in special projects such as the Stormwater Quality Standards Task Force (SQSTF).
- **Training** – Provides funding for any staff training or training conducted to implement the stormwater management program, for example training provided to developers.

2.3 Area-wide Interagency Coordination

A number of agencies with responsibilities that cover multiple jurisdictions are listed in this section together with a description of their activities and responsibilities as they relate to the Stormwater Management Program. The designated stormwater coordinators for each permittee coordinate stormwater management activities with these agencies on an as needed basis.

2.3.1 County of San Bernardino Department of Public Health (DPH)

The San Bernardino County DPH operates several programs that may impact or help protect stormwater quality, including:

- ***Housing/Property Improvement Program*** – program promotes an environmentally safe and healthful dwelling environment for County residents and visitors. Program activities are directed to law enforcement and regulations pertaining to environmental quality, sanitation, maintenance, use and occupancy of housing and institutions.
- ***Safe Drinking Water Program*** - protects drinking water resources by maintaining a comprehensive permitting system for water well construction and destruction, serving as the Local Primary Agency for small water systems, providing input into the land use process for the County, assuring that medical wastes are properly handled, stored, and disposed of by generators, and reviewing on-site sewage disposal conditions.
- ***Vector Control Program*** - responsible for protection of public health by working to prevent the transmission of vector-borne disease to humans through the inspection, surveillance, and monitoring of known or suspected breeding and harborage places of vectors.
- ***Food Protection Program*** - protects public health and safety as it relates to the retailing, wholesaling, and handling of food in the County through inspections, training and certification, and compliance investigations.

2.3.2 County of San Bernardino Fire Department – Hazardous Materials Division (HMD)

The San Bernardino County Fire Department has a full service HMD that oversees the handling of hazardous wastes through implementation of the following:

- ***Emergency Response and Enforcement*** - responds to hazardous materials emergencies throughout the County, participates in an interagency coalition with all cities in the County, and works with the County District Attorney's Environmental Crime Unit to prosecute illegal dumpers.

- **Field Services** - inspects businesses that store hazardous materials, have underground storage tanks, or generate hazardous wastes.
- **Local Oversight Program (LOP)** - responsible for overseeing the long-term clean up of hazardous materials – mostly former underground storage tank sites. LOP also works with individual companies on a contractual basis to clean up more complex contamination.
- **Household Hazardous Waste Program** – implements the program to accept household hazardous waste from homeowners throughout the County.

2.3.3 Other Agency Cooperation

Permittees can benefit from developing stormwater program elements that can be jointly or cooperatively implemented with other agencies within and outside the County to improve program efficiency (and thereby minimize costs) and achieve region-wide benefits in water quality. For example, collaborative efforts can extend beyond the County to include cooperative opportunities with other permitted MS4s, for example, Riverside County. The primary program elements ripest for increased MS4 Permit cooperation are public education, outreach and training. During the next permit term, the permittees will further evaluate and, if possible, develop cooperative opportunities.

A number of federal, state and local agencies may have jurisdiction over all or part of the Santa Ana River Watershed stormwater permit area. Some of these agencies may conduct activities that could be coordinated under the Stormwater Management Program. For example, the Principal Permittee participates on the Middle Santa Ana River (MSAR) Bacteria TMDL Task Force, which includes participation by state and federal agencies. Due to the state-wide impact of federal and state programs, the Management Committee works with the RWQCB as needed to support coordination efforts (for example through participation in regional monitoring activities) and minimize duplication of effort (for example, inspections of facilities under state jurisdiction).

2.4 Intra-Agency Activities

Each permittee formally designates its Management Committee authorized representative and lead department for the Stormwater Management Program. However, within each permittee's agency, a number of other departments, bureaus, and/or divisions conduct activities that can potentially have an impact on stormwater quality and therefore must participate in the implementation of the Stormwater Management Program. Participation by other departments, bureaus, and divisions is generally obtained by the lead department communicating the requirements of the program to the responsible entities. Upper-level management support is critical for ensuring that the intra-agency cooperation required for program compliance is obtained.

A Local Implementation Plan (LIP) can facilitate intra-agency coordination by defining roles and responsibilities and a clear process for the implementation of Stormwater Management Program activities. During the next permit term, each permittee will develop an LIP for its jurisdiction based on a model developed by the Management Committee. Examples of the types of information that could be documented in the LIP include identification of:

- The roles and responsibilities of each department within a permittee's jurisdiction for implementation of the Stormwater Management Program;
- The types of reporting information that will be provided by each department to fulfill annual reporting requirements;
- The process for the review of program-related documents and sharing of information between departments, for example how the WQMP is developed, reviewed and approved; and
- The tools (for example, checklists or BMP handouts) that are used to support program elements.

Some activities conducted by the permittees would require coverage under the General Industrial Activities Stormwater Permit or the General Construction Activities Stormwater Permit if those activities were conducted by a non-permittee. However, the permittees expect that such activities will be covered under the area-wide MS4 Permit as they were during the previous permit.

For construction projects that would otherwise require coverage under the General Construction Permit, the permittees will submit a Notice of New Construction (NONC) to the RWQCB in lieu of submitting a Notice of Intent (NOI) and fee to the State Water Resources Control Board (SWRCB). The permittees will conduct such construction projects in conformance with all other requirements of the General Construction Permit, including preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP).

Industrial activities that would otherwise require coverage under the General Industrial Permit will be conducted in compliance with the requirements of the area-wide MS4 Permit and this ROWD. The permittees will not be required to submit a NOI and fee to the SWRCB.

2.5 Legal Authority

The legal authorities to control discharges to the MS4 have been established in both federal and state laws and regulations. At the county and city level, all of the permittees have established adequate levels of legal authority to implement the Stormwater Management Program within their respective jurisdictions. This authority is periodically reviewed to determine whether existing ordinances are adequate to support program implementation, or if revision or updating is needed.

2.6 Performance Commitments

The permittees propose to implement the following performance commitments to support the area-wide Stormwater Management Program:

- 2-1. The Management Committee is the overall decision-making body for implementation of the MS4 Permit and will meet 11 times each reporting year. The performance commitment for permittee attendance is 9 out of 11 meetings in each reporting year by either the primary authorized permittee representative or a designated alternate.
- 2-2. Each permittee commits to maintaining an authorized representative to the Management Committee, as designated in writing. The authorized representative shall have the authority to represent the interests of their agency and vote on binding stormwater program elements that may result in significant impacts to their agency's fiscal, capital, and human resources.
- 2-3. The Management Committee will maintain and establish subcommittees as needed to support implementation of the MS4 Permit. Currently six subcommittees are active:
 - Public Education
 - Monitoring
 - Development
 - Fiscal
 - Training
 - MS4 Database
- 2-4. The Management Committee will review and revise the Implementation Agreement on an as needed basis.
- 2-5. The Principal Permittee commits to continuing its leadership role on the Management Committee for the duration of the permit.
- 2-6. Each permittee will implement, within its jurisdiction, a Stormwater Management Program that is consistent with the MSWMP and recommendations of the Management Committee for individual agency programs. To support this commitment, each permittee will develop a LIP based on an area-wide model developed by the Management Committee.
- 2-7. For construction projects that would otherwise require coverage under the General Construction Permit, each permittee commits to filing a NONC with the RWQCB and conducting such construction projects in conformance with all other requirements of the General Construction Permit.

- 2-8. Industrial activities that would otherwise require coverage under the General Industrial Permit will be conducted in compliance with the requirements of the area-wide permit and this MSWMP. Each permittee commits to updating the inventory of industrial facilities in the MS4 Solution database, at least annually, for use by the Principal Permittee in preparation of the annual report.
- 2-9. The permittees are committed to funding the area-wide Stormwater Management Program as established by the cost-share formula established in the 2006 Implementation Agreement, or as amended during the permit term. Each year the Management Committee will approve an annual budget that is consistent with current program priorities.
- 2-10. The permittees are committed to funding their local Stormwater Management Program to the extent practicable. To comply with the conditions of the permit and implement the recommendations of the Management Committee, the permittees will prepare annual budgets, keep their governing board informed of funding requirements, and obtain funding for the local stormwater program, to the extent practicable given competing jurisdictional priorities.
- 2-11. The permittees commit to maintaining adequate levels of legal authority, as required by federal and state stormwater permit regulations, sufficient to implement the Stormwater Management Program for the duration of the MS4 Permit.
- 2-12. The Management Committee will establish a subcommittee to evaluate the potential to implement stormwater program elements cooperatively with other regional agencies or area-wide MS4 Permit programs (for example Riverside County). The purpose of cooperative implementation is to create a more cost-effective program, especially with regards to inspections, public education, outreach, and training.
- 2-13. The Management Committee will work with the RWQCB to establish a mechanism to coordinate inspection scheduling to reduce or eliminate inspection redundancy.
- 2-14. The Management Committee will establish subcommittees to evaluate regional treatment alternatives and monitor the grant programs for funding opportunities that could support program implementation.